



Defendant strongly opposes Plaintiff's Preliminary Motion for Reasonable Attorneys' Fees and Related Expenses for the primary reason that the fees requested are *unreasonable*. Defendant, indeed, intends to thoroughly evaluate Plaintiff's detailed specification and itemization of the requested award once it is filed, especially considering how excessive and unnecessary the requested award appears at this time. As is stated in its Motion for Evidentiary Hearing, Defendant is entitled to an opportunity to present evidence in opposition to Plaintiff's Motion for Attorneys' Fees. (*See* Defendant's Motion for an Evidentiary Hearing on Plaintiff's Motion for Attorney's Fees).

Pursuant to Fed. R. Civ. P. 54(d)(2)(C), the court shall afford an opportunity for adversary submissions with respect to the [attorney's fees] motion. *See U.S. v. Skanska USA Bldg., Inc.*, 209 Fed.Appx. 880 (2006). Defendant is, therefore, entitled to a hearing on the Plaintiff's motion and, accordingly, time to gather evidence in support of its position in opposition.

Respectfully submitted,

DOWNEY & CLEVELAND, LLP

By: /s/ G. Lee Welborn

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**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a copy of the within and foregoing pleading upon opposing counsel of record using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record as follows:

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This 18th day of October, 2013.

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